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*Attorneys for Irving H. Picard, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff Investment
Securities LLC and Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

PETER B. MADOFF, ESTATE OF MARK D.
MADOFF, ANDREW H. MADOFF, individually and
as Executor of the Estate of Mark D. Madoff, SUSAN
ELKIN, STEPHANIE S. MACK, DEBORAH
MADOFF, and SHANA D. MADOFF,

Defendants.

Adv. Pro. No. 08-01789 (BRL)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 09-1503 (BRL)

NOTICE OF PENDENCY

FILED
COUNTY CLERK
N.Y. COUNTY
2012 JUL 10 AM 11:38

NOTICE OF PENDENCY

NOTICE IS HEREBY GIVEN that on October 2, 2009, an adversary proceeding has been commenced and is pending in the United States Bankruptcy Court for the Southern District of New York upon a Complaint, since amended twice, most recently by a Second Amended Complaint filed on May 4, 2012, of the above-named plaintiff Irving H. Picard (the "Trustee"), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS"), under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa et seq. ("SIPA"), and the estate of Bernard L. Madoff ("Madoff"), by and through his undersigned counsel, against the above-named defendants for avoidance and recovery of fraudulent transfers, recovery of subsequent transfers, disallowance of the above-named defendants' claims, equitable subordination, damages resulting from negligence, unjust enrichment, and breach of fiduciary duty, a constructive trust, and an accounting, in connection with certain transfers of Customer Property (as defined by SIPA § 78III(4)) from BLMIS or Madoff to or for the benefit of the above-named defendants, including transfers of Customer Property which were directly used to purchase Defendant Andrew H. Madoff's property described in Schedule A attached hereto (the "Property"), which is known as Lot 1109 on Block 1469, Apartment 5A, in the County of New York in the State of New York and is also known as 433 East 74th Street, Apartment 5A, New York, New York, located in postal office code 10021-3901. The Second Amended Complaint (attached hereto as Schedule B) also seeks to impose a constructive trust on the Property, which would affect title and ownership of the Property. The Complaint and Second Amended Complaint were noticed by summons.

The Clerk of this County is hereby directed to index this Notice against the above-described Property, which is known as Lot 1109 on Block 1469, Apartment 5A, and Defendant Andrew H. Madoff.

Date: New York, New York
July 10, 2012

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BY: 

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SCHEDULE A

THE CONDOMINIUM UNIT (THE "UNIT") KNOWN AS UNIT NO. 5A IN THE PREMISES KNOWN AS THE LUX CONDOMINIUM, SAID UNIT BEING DESIGNATED AND DESCRIBED AS UNIT NO. 5A IN THE DECLARATION ESTABLISHING A PLAN FOR CONDOMINIUM OWNERSHIP OF SAID PREMISES UNDER ARTICLE 9-B OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK (THE "NEW YORK CONDOMINIUM ACT") DATED 6/26/2008 RECORDED 8/5/2008 IN THE NEW YORK COUNTY REGISTER'S OFFICE AS CRFN 2008000310415, AND ALSO DESIGNATED AS TAX LOT 1109 IN BLOCK 1469 OF THE BOROUGH OF MANHATTAN AND ON THE TAX MAP OF THE REAL PROPERTY ASSESSMENT DEPARTMENT OF THE CITY OF NEW YORK AND ON THE FLOOR PLANS OF SAID BUILDING CERTIFIED BY ADG ARCHITECTURE & DESIGN, P.C., ARCHITECT, ON 4/18/2008 AND FILED WITH THE REAL PROPERTY ASSESSMENT DEPARTMENT OF THE CITY OF NEW YORK ON 6/6/2008 AS CONDOMINIUM PLAN NO. 1944 AND FILED IN THE REGISTER'S OFFICE ON 8/5/2008 AS MAP NO. CRFN 2008000310416.

TOGETHER WITH A TOTAL UNDIVIDED 11.323% INTEREST IN THE COMMON ELEMENTS (AS SUCH TERM IS DEFINED IN THE DECLARATION).

THE PREMISES WITHIN WHICH THE UNIT IS LOCATED ARE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE BOROUGH OF MANHATTAN, THE CITY OF NEW YORK, IN THE COUNTY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY SIDE OF 74TH STREET, DISTANT 200 FEET WESTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE NORTHERLY SIDE OF 74TH STREET WITH THE WESTERLY SIDE OF YORK AVENUE;

RUNNING THENCE WESTERLY ALONG THE NORTHERLY SIDE OF 74TH STREET, 75 FEET;

THENCE NORTHERLY PARALLEL WITH YORK AVENUE, 59 FEET 9-3/4 INCHES;

THENCE SOUTHEASTERLY 25 FEET 3-3/4 INCHES TO A POINT DISTANT 250 FEET WESTERLY FROM THE WESTERLY SIDE OF YORK AVENUE AND 55 FEET 10-1/2 INCHES NORTHERLY FROM THE NORTHERLY SIDE OF 74TH STREET;

THENCE NORTHERLY PARALLEL WITH YORK AVENUE, 46 FEET 3-1/2 INCHES;

THENCE EASTERLY PARALLEL WITH 74TH STREET, 50 FEET; AND

THENCE SOUTHERLY PARALLEL WITH YORK AVENUE, 102 FEET 2 INCHES TO THE NORTHERLY SIDE OF 74TH STREET AT THE POINT AND PLACE OF BEGINNING.



**NEW YORK
COUNTY CLERK'S OFFICE**

60 CENTRE ST,
NEW YORK, NY 10007
646-386-5950

INV NO: 1207004151

OPID: 00000	109
STID:	7/10/2012 11:46 AM
NYCC_109B_POS2	
10919	NOTICE OF PENDENCY 35.00
Total Items	1 SubTotal \$35.00
	Total \$35.00
	Check \$35.00
	Change \$0.00

CHECK

